

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Third Legislature
State of Maine

Daily Edition

First Regular Session
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STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
January 9, 2007

Senate called to order by President Beth Edmonds of
Cumberland County.

Prayer by Reverend Robert G. Harris, Jr., Retired of Farmingdale.

REVEREND HARRIS: May we pray. Gracious Father, You give to us not only the mysteries of the universe but also the mysteries of how to help one another. May we, who are the masters of the Earth, learn from the smallest of Your messengers; even the tiny ant. May we learn to be wise through communication and cooperation to accomplish our goals for our citizens. Strengthen each Senator today to be true to their word and just in their deed, pleasing You. Father, also remember our men and women far from home who fight and who try to make the peace. Amen.

Pledge of Allegiance led by Senator Kevin L. Raye of Washington County.

Doctor of the day, Buell Miller, MD of Cumberland.

Reading of the Journal of Thursday, January 4, 2007.

Out of order and under suspension of the Rules, on motion by Senator **MITCHELL** of Kennebec, the following Joint Order:
S.P. 29

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 16, 2007, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 24

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

January 4, 2007

Honorable Joy J. O'Brien
Secretary of the Senate
123rd Legislature
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under House Rule 201.1 (l)(a), I have made the following appointment to the Joint Standing Committee on Legal and Veterans Affairs.

Representative Gary W. Moore of Standish

If you have any questions, please do not hesitate to call.

Sincerely,

S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 25

STATE OF MAINE
TASK FORCE TO STUDY MAINE'S HOMELAND
SECURITY NEEDS
AUGUSTA, MAINE 04333

January 4, 2007

The Honorable Beth Edmonds, President
Maine State Senate

The Honorable Glenn A. Cummings, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Resolve 2005, Chapter 126, the Task Force to Study Maine's Homeland Security Needs is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Ethan Strimling, Senate Chair

S/Representative Stan Gerzofsky, House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 26

**STATE OF MAINE
LEGISLATIVE YOUTH ADVISORY COUNCIL
AUGUSTA, MAINE 04333**

January 3, 2007

The Honorable Beth Edmonds, President
Maine State Senate

The Honorable Glenn Cummings, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Public Law 2005, chapter 616, the Legislative Youth Advisory Council is pleased to submit its final report. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Elizabeth H. Mitchell, Co-Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

SENATE PAPERS

Resolve, To Encourage the Use of Safe Chemicals in Public Schools

S.P. 32 L.D. 88

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representative FARRINGTON of Gorham and Senators: SULLIVAN of York, BOWMAN of York, MITCHELL of Kennebec, BRANNIGAN of Cumberland, Representatives: PERCY of Phippsburg, GROSE of Woolwich, MAKAS of Lewiston, NORTON of Bangor.

Bill "An Act To Provide State Funding for Fingerprinting of Educational Personnel"

S.P. 34 L.D. 90

Sponsored by Senator COURTNEY of York.
Cosponsored by Representative CEBRA of Naples and Representatives: DUPREY of Hampden, JACOBSEN of Waterboro, BROWNE of Vassalboro, BARSTOW of Gorham, THOMAS of Ripley, McKANE of Newcastle, CAMPBELL of Newfield, TUTTLE of Sanford.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Resolve, To Direct the Department of Health and Human Services To Exclude Veterans Education Assistance from Income in Determining Eligibility for the Food Stamp Program
S.P. 28 L.D. 43

Sponsored by Senator COURTNEY of York.
Cosponsored by Representative CAMPBELL of Newfield and Representatives: DUPREY of Hampden, HOTHAM of Dixfield, WHEELER of Kittery, BROWNE of Vassalboro, THOMAS of Ripley, MAREAN of Hollis, NASS of Acton.

Resolve, Directing the Department of Health and Human Services To Provide Printed Informational Handouts on Child Care Guidelines

S.P. 31 L.D. 87

Sponsored by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Representative VAUGHAN of Durham.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide Regulation of the Department of Corrections Telephone System by the Public Utilities Commission"

S.P. 40 L.D. 91

Sponsored by Senator STRIMLING of Cumberland.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Enact the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education"
S.P. 45 L.D. 137

Sponsored by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative CAMPBELL of Newfield and Senators: SULLIVAN of York, President EDMONDS of Cumberland, Representatives: ROSEN of Bucksport, CRAVEN of Lewiston, GROSE of Woolwich, CONOVER of Oakland, CAIN of Orono, MILLER of Somerville.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Debt Management Services Laws"
S.P. 43 L.D. 135

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative PERRY of Calais and
Representatives: SMITH of Monmouth, RECTOR of Thomaston.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

Bill "An Act To Require Prior Notice before Cancellation of a Life
Insurance Policy for Nonpayment of Premiums"
S.P. 46 L.D. 138

Sponsored by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative BRAUTIGAM of Falmouth.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the
Committee on **INSURANCE AND FINANCIAL SERVICES** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Modify the Boundaries of Maine's Lobster Fishing
Zones"
S.P. 41 L.D. 92

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative AUSTIN of Gray and Senator:
DAMON of Hancock, Representative: PERCY of Phippsburg.

Bill "An Act To Provide Flexibility for Sea Urchin Zones"
S.P. 47 L.D. 139

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative PERCY of Phippsburg.
Submitted by the Department of Marine Resources pursuant to
Joint Rule 204.

Bill "An Act To List the Shortnose Sturgeon as a Marine
Endangered Species"
S.P. 48 L.D. 140

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative PERCY of Phippsburg.
Submitted by the Department of Marine Resources pursuant to
Joint Rule 204.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the
Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Repeal Term Limits for Legislators"
S.P. 27 L.D. 42

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative PATRICK of Rumford and
Senators: RAYE of Washington, PLOWMAN of Penobscot,
MARTIN of Aroostook, NUTTING of Androscoggin,
Representatives: HOLMAN of Fayette, TUTTLE of Sanford,
NASS of Acton, MOORE of Standish.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to
the Committee on **STATE AND LOCAL GOVERNMENT** and
ordered printed.

(See action later today.)

Bill "An Act To Clarify the Process for Public Improvement
Construction Contracts"
S.P. 49 L.D. 141

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative BARSTOW of Gorham.
Submitted by the Department of Administrative and Financial
Services pursuant to Joint Rule 204.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to
the Committee on **STATE AND LOCAL GOVERNMENT** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Repeal the Automatic Increase in the Gasoline
Tax"
S.P. 33 L.D. 89

Sponsored by Senator COURTNEY of York.
Cosponsored by Representative McKANE of Newcastle and
Senators: SNOWE-MELLO of Androscoggin, DOW of Lincoln,
Representatives: DUPREY of Hampden, CEBRA of Naples,
LANSLEY of Sabattus, JACOBSEN of Waterboro, MAREAN of
Hollis, CAMPBELL of Newfield.

Committee on **TAXATION** suggested and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the
Committee on **TRANSPORTATION**.

Sent down for concurrence.

Bill "An Act To Require the Collection of Information on Vehicle Accidents on Private Property"

S.P. 30 L.D. 86

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Senator BRANNIGAN of Cumberland and
Representatives: DRISCOLL of Westbrook, PEOPLES of
Westbrook.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the
Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Encourage the Use of Solar Energy"

S.P. 42 L.D. 134

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representative BLISS of South Portland.
Submitted by the Public Utilities Commission pursuant to Joint
Rule 204.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED**
to the Committee on **UTILITIES AND ENERGY** and ordered
printed.

Sent down for concurrence.

**Pursuant to Statutes
Workers' Compensation Board**

Senator STRIMLING for the **Workers' Compensation Board**,
pursuant to the Maine Revised Statutes, Title 39-A, section 152,
subsection 11 asked leave to report that the accompanying Bill
"An Act Regarding Final Agency Action Subject to Appeal
Pursuant to the Maine Workers' Compensation Act of 1992"

S.P. 16 L.D. 41

Be **REFERRED** to the Committee on **LABOR** and ordered printed
pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED**
to the Committee on **LABOR** and ordered printed pursuant to
Joint Rule 218.

Sent down for concurrence.

**Pursuant to Statutes
Workers' Compensation Board**

Senator STRIMLING for the **Workers' Compensation Board**,
pursuant to the Maine Revised Statutes, Title 39-A, section 152,
subsection 11 asked leave to report that the accompanying Bill
"An Act Regarding the Enforcement of Penalties under the Maine
Workers' Compensation Act of 1992"

S.P. 44 L.D. 136

Be **REFERRED** to the Committee on **LABOR** and ordered printed
pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED**
to the Committee on **LABOR** and ordered printed pursuant to
Joint Rule 218.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being
held, were ordered sent down forthwith for concurrence.

ORDERS

Joint Orders

On motion by Senator **MARTIN** of Aroostook, the following Joint
Order:

S.P. 35

ORDERED, the House concurring, that the Joint Rules be
amended by amending Joint Rule 202 to read:

Rule 202. Cloture for Legislators at the First Regular Session.

All Except as provided in this Joint Rule, all requests for bills
and resolves submitted by Legislators for a first regular session
must be submitted in complete form, as provided in Joint Rule
208, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in
December. For the First Regular Session of the 124th
Legislature, requests for bills and resolves submitted by
Legislators for the first regular session must be submitted in
complete form, as provided in Joint Rules 208, to the Revisor of
Statutes by 4:00 p.m. on the 3rd Friday in January.

READ.

THE PRESIDENT: The Chair recognizes the Senator from
Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members
of the Senate. Perhaps I could give you a little history of what
took place in the Rules Committee and use this opportunity to do
that and not repeat myself on every order that comes up. We had
two separate meetings; yesterday was the last meeting. For
those of you who are not aware, there are ten members on the
Rules Committee; five from this Body and five from the other
Body, three from the Majority Party in each Body. We had a total
of 17 proposals that came before us and we rejected all but three,

those are listed under my name. The first one was actually proposed by a member of the other Body and the other two came from members of this Body. The attempt that we went through was to try to see if we could make things more productive in terms of how to do things and tried to arrive at consensus as to a process that we could use to be cooperative and work with one another. None of them were strictly partisan, even though one was close. It was actually 3 - 6; 3 members of one Party, 5 of the other and then one from the Minority Party joined the Majority. Our attempt was to try to work collectively through these.

This first one that you have in front of you that I'm offering is one that deals specifically with the question of when bills are submitted to the legislature. I think everyone felt very strongly that the filing deadline that we had this past year created a situation where people put in titles without material to draft them. We have found that a number of them were submitted by at least ten other people. Everyone wanted to be covered. There was no time to talk to anyone because we were not here. This actually will take effect for the next legislature because it's too late at this point, in the next legislature the filing deadline, as you can see if you read this carefully, will be provided and the material must be submitted in complete form as provided in Joint Rule 208 by 4 p.m. on the third Friday in January. We went through a lot of scenarios as to whether or not we should do this to the end of January. There was even a thought to have no filing deadline. We decided what we would do is go back to where we were a number of years ago and then give an opportunity for people to work collectively together and then perhaps have less bills. In one case, for example, in my own drafting of proposals, I'm now I believe the forth or fifth mandatory co-sponsor on a bill. If I had known that this bill was already in, I'd have no reason to put it in myself. We believe that this will work and this was adopted unanimously by a vote of 9 - 0 by the committee. I would urge you to vote for adoption of this proposed Joint Rule.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President and members of the Senate. I want to simply stand and concur with the good Chair of the Joint Rules Committee, the Senator from Aroostook, Senator Martin. This and the other two orders that are before us that came out of the Rules process as a unanimous vote are worthy of your support. There was broad discussion around those three particular issues. You will see that there are a series of Joint Orders on the calendar that were raised before the Joint Select Committee on Rules, which many of us will be supporting. We are also supporting here, and stand ready as members of the Joint Rules Committee, to indicate a support for the process that we went through and for the three, this one included, that are before you as a result of unanimous vote by the Rules Committee.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. For this rule to work it is also important that the list of bills, the bills that come in to the Revisor's Office, by title be made public information so that all of us can see, as we are here during the initial weeks of session, what are friends and neighbors around the Chamber are putting in for bills so that we

can coordinate with each other and, as the spirit of this Rule change suggests, reduce the number. Rule 207 does make that information public in the first instance but it does say that the legislator who sponsors the bill has the option of directing that the title remain confidential until cloture. This would mean that a legislator, department, or agency would have the right to maintain a cloak of confidentiality until the third week of January. I don't know if that is a critical issue, but it might be something for the Rule Committee to look at later on. I think it's very important that we open this process up, that we have early public lists of the bills that are in the process, and that this list be updated on the Revisor's Office's website so that we can all take a look as we prepare our agenda for the session. Thank you, Madame President.

On motion by Senator **MARTIN** of Aroostook, the Joint Order **PASSED.**

Sent down for concurrence.

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 36

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 314 by inserting after the 2nd indented paragraph a new paragraph to read:

Notwithstanding any provision of subsections 1 to 4 of this Joint Rule, a policy committee may elect not to participate in either the joint budget hearing or the work session, or both, by so notifying the chairs of the Joint Standing Committee on Appropriations and Financial Affairs in writing.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. This came from a couple of Senators who discussed whether or not it's necessary to appear before the Appropriations Committee two or three times in the course of a session. There are some committees who feel that once they've heard testimony and made their report they don't need to come back. What we have done here is simply amended the Joint Rule to leave it up to the policy committee to decide. If they want to go, they go. If they don't want to, they send a letter and their work is complete. Obviously there are some that would be there all the time because of the amount of the budget that they deal with, but others are in a separate category than that and may have dedicated accounts and those kinds of things. There is just no need to go, from their point of view. All we've done here is change the 'must' to 'may'. I would urge passage of the Joint Rule.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN**: Thank you, Madame President. By what action would the committee make this decision? Would it be by a majority vote of the committee, a unanimous vote of the committee? Would you explain to me how you envision the process would be decided? Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President. The assumption by the Rules Committee was that it would be by majority of the committee. If there were any problems, for example that the minority felt as if there was a problem, it is appealable to the Presiding Officers.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President. May I pose one more question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN**: Thank you, Madame President. Despite the majority vote of the committee, would a member of the committee still be welcome at the table to ask questions and receive answers? Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President. Yes, specifically that is correct. In addition to that, the subcommittee would still be appointed by the committee so the minority members would have representation in their subcommittee of five. We did not change that in the rule.

On motion by Senator **MARTIN** of Aroostook, the Joint Order **PASSED**.

Sent down for concurrence.

On motion by Senator **MILLS** of Somerset, the following Joint Order:

S.P. 38

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 208 to read:

Rule 208. Drafting of Legislation.

1. Completeness. The Revisor of Statutes is not required to draft legislation in response to an incomplete request. A request is complete if it contains a proper title and all the information needed to prepare the bill or resolve in final form. After cloture, the Revisor will publish and maintain a list of requests that are incomplete. All requests remaining incomplete as of 4:00 p.m. on the 3rd Friday of January in the First Regular Session will be dismissed. Requests allowed in after deadline and requests admitted during sessions other than the first regular session may be dismissed within 5 business days of a notice of insufficiency of information to the sponsor.

2. Appeal. Within 5 days of dismissal, the sponsor may appeal to the Joint Select Committee on Rules. If 2/3 of the members of the committee agree that the request is then complete and that the sponsor had good cause for allowing the request to remain incomplete past its deadline, then the request may be reinstated.

3. Concept draft. A sponsor may request that a bill or resolve be prepared as a concept draft containing only a summary of the proposed legislation. The concept draft shall be printed and referred to a committee in the same manner as other legislation. The Revisor may convert a concept draft into a fully prepared bill or resolve only if it is voted "Ought to pass" by at least 3 members of the committee with jurisdiction. Concept drafts are not permitted for legislation submitted by the Governor, by departments or agencies of government, by study commissions or by those acting pursuant to statute.

4. Complex bills. If the Revisor determines that requested legislation is unconstitutional, that it violates parliamentary procedure or that the drafting of it will consume inordinate time or resources of nonpartisan staff, the Revisor may comply with the request by providing a concept draft for processing in accordance with section 3. A sponsor who insists on having a fully drafted bill prepared by nonpartisan staff may appeal to the Legislative Council for such an order.

5. Confidentiality. Confidentiality of material in any request file is waived to the extent necessary to carry out the purposes of this Rule.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: Thank you, Madame President and men and women of the Senate. This is a rule that is not inconsistent, I think, with the rule that was just passed two items ago in regards to changing cloture for the 124th Legislature. I think the biggest problem in the Revisor's Office is the lack of completeness on bill requests that are submitted by the December deadline. I think, realistically speaking, it's almost impossible to comply fully with that rule. It is widely known, in fact the expression is very current among not only us but the lobby as well, to just stick a title in by the third Friday in December. Just stick a title in. Because that practice is so prevalent, the Revisor's Office, as a courtesy to all of us, doesn't simply reject a bill request that has only a title. Sometimes only a title is on the bill request. I've seen those. In other cases it's a bill request with a simple sentence that says,

'Please take three departments of State Government and join them' or some such thing. A bill request that would take you days and days to draft. I think we need to recognize that it's important for people's ideas for bills to come forward at the earliest possible moment. I don't have any quarrel with an early cloture date for that reason. I think that there should be a subsidiary cloture where, as I suggest here, if you don't have your act together and, most significantly, if the lobbyist who put you up to putting in the title can't afford to get the bill drafted properly by the third week of January then that lobbyist ought to suffer the punishment of waiting another two years to get the bill in.

We have the luxury of some very highly qualified technical people who live in the basement. I don't know why we put them all down there. They are some of the most important people in the building. They are very smart. They are very astute and we abuse them mercilessly by going down there with half baked notions of how to take something out of those 38 volumes of the Maine Revised Statutes annotated and try to carpenter some loosely framed ideal into a Maine Statute of Maine Law. It seems to me that they should have the authority down there, as they would have under this rule, at a certain point to say, 'Senator, we don't know how to draft what you are asking' or 'We don't have the resources available to do this rather ambitious thing that you have, why don't we provide you with a concept draft.' This could be taken to the committee of jurisdiction and then, as this rule suggests, let the committee decide whether they want this impossible drafted. In some cases they may. That is the spirit and the posture of this proposed rule change. I think we need to do something to help out the Revisor's Office. It's a matter close to my heart. I'm the one who typically wins the prize for putting in the most bills. They say to me it isn't the number of bills, it isn't even the quality of the bills, it is the degree to which they are ready for drafting, the degree to which they have sufficient clarity that the Revisor's Office can act on the request. That's the real problem down there and I think this proposed rule change would begin to address that. It would give the Revisor's Office the option. Right now the sponsor has the option of requesting a concept draft. I'm told that quite frequently the sponsor, after two or three weeks, will change his or her mind and come back to the Revisor's Office and say, 'I'd like to have that converted into a full draft bill.' All of a sudden the workload mushrooms. Under this proposed rule once you ask for a concept draft it stays that way until the committee of jurisdiction decides that it wants to act on your concept or not. It gives the Revisor some discretion to say, 'Look, this is such a complex matter and it ought to come from the committee as a request rather than from a single legislator acting alone before we do the work necessary to draft it.' Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. Although I don't necessarily dispute the concerns raised about the completeness of bills, there are a couple of parts of this proposal that trouble me greatly as I look through it. The first, with respect to the idea of the concept draft, under this rule when a concept draft goes to committee it could not then be converted into a fully drafted bill unless three members of the committee vote Ought to Pass. To me that turns the idea of the concept draft on its head. What typically happens with a concept draft is that goes to the committee, the committee will share some ideas and think about

whether they want one or two members or any member wants to proceed, and then either the sponsor or members of the committee could then seek to have the Revisor's Office fully draft or work with the staff of the committee to fully draft an alternative. It's usually not until you see something in its fairly final form that people are willing to vote Ought to Pass. I think this provision would largely kill most concept drafts rather than doing what they should do, and that is giving the committee the maximum flexibility to work on the bill.

The second troubling part I have is under the forth item, complex bills. If the Revisor determines that the legislation is unconstitutional they can refuse to draft the bill. I don't think the Revisor's Office should be making the call on constitutionality. There are often many close cases that require considerable scrutiny. Also I believe this Body, as a whole, should be making a decision on its interpretation of the constitution and putting that forward. I think it is inappropriate to have the Revisor's Office making that and putting the onus on the legislator to then go convince the Legislative Council that it is constitutional.

For those reasons I must oppose this Joint Order.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I fully agree with the Senator from Cumberland, Senator Bartlett, in terms of the constitutionality issue and in terms of whether or not it is the role of the Revisor to deal with the question of constitutionality. Over the years since I have come back I have really been disturbed by the amount of stuff, material, or whatever it is that we give to staff to decide and it's not made by those that have been elected to make decisions.

The second point I would make is that we are not all attorneys and we can't all have our 59 bills drafted in time in order to get submitted through the process so we have to sometimes give them not everything. Then we have to work to get it done. I think that this is the second problem.

Finally, I would simply advise the members of the Senate that the vote was 7 - 2 from the committee not to adopt this proposal.

On motion by Senator **BARTLETT** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I think some good points have been made with respect to the constitutionality provisions of that. I do think that we might be able to modify this rule and allow that judgment to be made perhaps by the Attorney General's Office, as an example. With regard to the concept drafts, in my limited experience here, having served now on four different committees, I have yet to see a concept draft evolve into something that saw the light of day. I have seen concept drafts come to fruition, however, is in the committee itself, where the committee listens to testimony on a subject and then may pick a title out of an existing inventory of titles that have been referred to them and then build a piece of legislation from that. I think we could pretty easily deal with the third point in this particular suggestion and the confidentiality provision as well. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. Not being an attorney, I'm not in favor of this. I think it gives a huge advantage to those people who are more versed in the legal aspects of what we do. I also want to just speak the issue of how we treat the Revisor's Office. I just want to say, on the record, I am so grateful to them and their expertise. I hope that we treat them all with the respect that they very richly deserve. They are wonderful people and incredibly helpful. Without them we would be very much at a disadvantage in the work that we do. I just want to say 'thank you' and I don't think that we need to change the way that we draft bills at this point in time. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. First of all let me respond to the good Senator from Cumberland, Senator Bartlett. I do think that something might be drafted that would work if, in fact, someone were to recommend something throughout this session to change the concept of concept drafting. If it were then acceptable to everyone, we could then amend it back by the 2/3 vote. I do not believe that this one is a process that we ought to be using because of all the other problems that are attached to the present draft. I would also point out that the way this is structured it is in violation of Mason's Rules, so it would be improperly before us if we were to adopt it anyways.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Mills to Pass. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#2)

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, ROSEN, SAVAGE, SMITH, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, RAYE, ROTUNDO, SCHNEIDER, SHERMAN, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SNOWE-MELLO

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the Joint Order **FAILED PASSAGE**.

On motion by Senator **MILLS** of Somerset, the following Joint Order:

S.P. 39

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 409 to read:

Rule 409. Spending Limits.

Legislation requires a 2/3 vote of those present in each chamber if the measure violates a system of spending limits in effect at the time when the present Legislature is first convened. Spending limits may not be avoided by diverting revenue.

This rule expires December 2, 2008.

; and be it further

ORDERED, that the Joint Rules be renumbered to read consecutively.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. This is really a two or three sentence suggestion for amending our rules, but it contains a lot of content. It suggests that we agree, right at the commencement of our two-year enterprise, that we will abide by the spending limits that were created by the previous legislature, that we will honor those limits, and that we will set an example for not only ourselves but for the counties, for the school districts of this state, and for the municipalities. Spending limits seem to be all in vogue lately. I, myself, have some reservations about their effectiveness, their impact, and the like. From a policy perspective, I think there is good reason to debate whether they accomplish anything or not, but if we're going to have them and if, more importantly, we ourselves are going to impose them on the smaller sub-divisions of government, it seems to me we have to start at the top. We have to start with ourselves and if we mean anything by this process we should put some teeth into the L.D. 1 spending limits that were created two years ago at this time. This would simply say that in order to violate the system of spending limits presently in effect that it would require a 2/3 vote of those present here and in the other chamber. It also closes a loophole that was discovered after the L.D. 1 work was done whereby you could take a source of revenue, any source of state revenue, and shunt it, have the Treasurer take the revenue, shunt it into a special suspense account before the legislature ever got it, and have the suspense account used as the source for funding a particular program or enterprise or expense. Those few words at the end, 'Spending limits may not be avoided by diverting revenue', were intended to close a loophole that was, frankly, left unclosed by the L.D. 1 statutory spending limit. It gets us closer to the notion of having 2/3 budgets. I think most of the people in this chamber agree that those budgets that are passed with participation of the minority are better budgets. This state has had an honorable tradition for passing its budgets by a 2/3 vote for a number of decades at least and I think that this rule, as it is drafted, tends to

reinforce that tradition and that prospect. I think it's also important to deal with these issues as Rules because we can change these things. If we go for a Constitutional Amendment, and I'm not in favor of a Constitutional Amendment, but if I were I think that is a very ridged way of trying to address spending limits or taxation limits or anything of the kind. I think that if we do this in a Rule we can behave a little bit like the U.S. Senate, which itself has Rules that it customarily reenact, I believe, every two years. They have had a cloture rule now for I think 100 years. It's been changed from time to time, but they still honor it and it has become a tradition of the Senate. There were people, I think, that were concerned about whether a spending limit Rule like this should be part of opening day discussions in the next legislature, so there is a sentence in this proposal that makes the Rule expire the day before the 124th legislature convenes so that in the 124th legislature we can initiate this discussion again if we so chose, if they so chose, by proposing an amendment to those Rules. It leaves the next legislature with flexibility but it says, 'Look, for the two years that we are in service we're going to be facing some fairly tough budget and spending issues.' We've come through a vigorous public debate around the TABOR issue. TABOR would have purported to put a 2/3 spending limit on us followed by a plebiscite, a public vote. It would have constrained our ability to raise taxes, fees, and the like by the same methods with belts, suspenders, and shackles, frankly. I opposed TABOR at some political cost. I think it was overdone, but think people in Maine have never before been quite so angry about taxes as they are right now and I think it behooves this legislature to take some affirmative action to show that we mean business about controlling our own spending. If by some chance we have to go beyond the limits that we have set for ourselves then let's do so with a 2/3 vote if it's required. I might also add as a footnote that the spending limits currently in effect do not include the extra money that we must raise, that we promised, the prior legislature at least promised, to raise for school funding to get from 50% to 55% of the total necessary costs under EPS for school funding. That is excluded from the spending limits that are presently in statute but the Rule itself would set some guidelines for us to abide by over the next two years. I think they would set an appropriate tone and an appropriate beginning for this legislature to adopt something like this and to make sure that we abide by the limits that we ourselves thought were important just two years ago. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I have the greatest respect for the Senator from Somerset, Senator Mills, but I am sure he would like to rethink his suggestion that we would become like the United States' Senate. I think that here in Maine we have a much better sense of the people that we represent. We're closer to them and we do, indeed, try to vote accordingly. There were a couple of statements made, however, I think need to be addressed. Part of the rationale for this particular Rule that is being proposed was that if we're going to impose these restraints on towns, then we must start at the top. I don't believe that decisions has been made and I'm not totally sure that many of the towns who voted and helped to defeat the spending limits proposed by TABOR did so because of the 2/3 rule, that this was what they were asking for. As a matter of fact, I told my caucus this story. My town

manager, we have a town meeting form of government in Vassalboro, was horrified to learn that after the budget committee, after the selectmen, after many public hearings came up with a reasonable spending plan by the town, showed up at town meeting, we'll say 100 people showed up if you have a small town, 30 people could say, 'No, that's not enough.' So there is a true question about whether or not certain members of my caucus and of your caucus will want to take away that kind of control at the local level. We'll have to talk about that. That's a legitimate source of debate. We haven't come there yet, but you can't support this Rule based on the fact that you are going to impose limits on towns because some of us may not be willing to do just that.

The second thing I'd like to mention is that the increased spending to ramp up, and that's a word that I never used until the school funding law passed, was that people told us to go to 55% of funding state education. We set that out of line purposely because that had to go forward, the state budget had to accommodate itself with that extra expenditure, and I think we all know that as soon as we are at the 55%, which is this biennium, it's back as part of the whole budget.

Finally, there is an opportunity to reach across the aisle, to work in a very bi-partisan way, to say that we will not exceed the L.D. 1 cap. We're going to have an opportunity to do that. Thought I have not practiced law as long as many of my colleagues in this chamber, little words make a big difference and I suggest that you all read 'may not be avoided by diverting revenue'. We have an opportunity to put some real constraints on us. We have an opportunity in another vehicle, but this one goes much too far and I would hope that we continue that spirit of working together, find the right approach when it's appropriate to give up majority rule because I think colleagues on both sides of the aisle understand the importance of majority government in a democracy.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. The vote by the Rules Committee was 6 - 3 against adoption of this proposal.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President and ladies and gentlemen of the Senate. I was reading this proposed Rule proposed by the good Senator from Somerset, Senator Mills. It seems to me that from what I'm hearing from the good Senator from Aroostook, Senator Martin, that the Rules Committee has bought into the concept of a 2/3 vote to exceed L.D. 1 limits. That being the case, the proposed Rule by the good Senator from Somerset, Senator Mills, does nothing more than plug a loophole. We're all aware of loopholes. I'm an attorney. I spend my life trying to find and take advantage of loopholes. Here we have a clearly defined loophole that has been taken advantage of by the legislature in the past, intentionally or unintentionally, to divert funds from the budget and then claim that those funds are not part of the spending cap. Why, in good conscience, should any of us say if we have bought in and we endorse the concept of a 2/3 vote to exceed spending cap limitations, would we not say we'll also plug those loopholes that we recognize? I see no other

difference between this proposed rule and another proposed rule on the calendar other than that second sentence which closes that loophole. To me, if you have bought into the concept then let's recognize the loophole, let's plug it today, and let's respect the intent of the Rule. Thank you.

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Mills to Pass. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#3)

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SNOWE-MELLO

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the Joint Order **FAILED PASSAGE**.

On motion by Senator **NASS** of York, the following Joint Order:
S.P. 50

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 409 to read:

Rule 409. Tax-supported obligations.

Legislation requires a 2/3 vote of those present in each chamber if the measure creates through the Maine Governmental Facilities Authority or by any similar means a tax-supported obligation that depends on revenue to be raised by a future Legislature.

; and be it further

ORDERED, that the Joint Rules be renumbered to read consecutively.

READ.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President, men and women of the Senate. This proposal deals with what I consider to be a sore on the body of politics and this is an attempt to heal the sore. In 1997, the report that we all received at home indicates, this legislature established the Maine Court Facilities Authority, a small mechanism to build new courthouses in the state of Maine. Ten years later we changed that, the legislature at that time changed that, into what is now called the Government Facilities Authority. Just so we are certain about this, this authority has done good things. It's not that the results of it are bad, the question now is how we pay for it and are we paying for it in a manner that, I guess, encourages confidence in what we do up here. In the beginning of this state, in the constitutional process, we established a rule that said that we should vote by 2/3 in the legislature to borrow. The sore that I talked about is an exception to that. While the exception was small in the beginning, it is now not monumental but it's big. As occasionally happens with small children, picking away at a sore has not made it better, it has made it worse. I hate to use that analogy, but that is what has happened. Here's where we are today, almost \$200 million of picking away has made this a substantial debt to the State of Maine. To be exact, about \$188 million is where we are. It is borrowing that is different than what we normally approve by 2/3 in this Body. These are mostly bonds that are 20 years long; so the borrowing to fix this building, to do other things that we've done with the Government Facilities Authority is twice as long as what we normally hold up in General Obligation Bonds to be the case, ten years. We are proud of the fact that when we borrow money and get the 2/3 approval of it, it's for ten years. This is twice that. Now we're talking of how we started small, the sore is now \$200 million. Just let me read from the report that we all got, just two brief paragraphs. 'This authority was established to issue bonds for the purpose, among other things, of providing funds to apply real or personal property, prepare and plan projects, furnish and equip projects, provide for financing or refinancing of such projects, and lease properties back to the Judicial Legislative or Executive Branches of the State of Maine and related entities.' That is this building. We fixed it, we don't own it any more. The Government Facilities Authority owns it and we are leasing it. For financial statement reporting purposes the Authority is considered a component of the State of Maine, however the Authority does not receive any state appropriations for its operations. This is what I'm talking about. Confidence in what we are doing here. If most people knew about this they would seriously question whether we've lost our senses. The Authority does receive loan servicing fees from the various parts of state government that are based on the original amount of the lease. Madame President, what we are proposing here, I think, is a way to bring rationality back to this, to require that when we add borrowing to this Authority that we do so by 2/3, and we also do that for anything else that we creatively come up with here as a source of borrowed money. Thank you.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Arrostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President and members of the Senate. First let me tell you that the vote of the committee was 6 - 3 against adoption of this proposal. I would point that if this proposal were to be adopted it would be in violation of the Rules. I would like to quote Mason, under which we operate. 'A Body cannot by it's own act or rule require a 2/3 vote to take any action where the Constitution or controlling authority requires only a majority vote. To require a 2/3 vote, for example, to take any action would be to give any number more than 1/3 of the members the power to defeat the action and amount to a delegation of the powers of the Body to a minority.'

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: Thank you, Madame President and men and women of the Senate. Thank goodness that Mason is not the controlling authority. The Constitution of the State of Maine, written in 1820 and amended many times since, is the controlling authority over this Chamber and over the legislature generally. If we make a rule that is inconsistent with Mr. Mason's opinion, guess what, we win.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President and members of the Senate. The controlling authority are the statutes.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Nass to Pass. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#4)

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SNOWE-MELLO

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the Joint Order **FAILED PASSAGE**.

Off Record Remarks

On motion by Senator **TURNER** of Cumberland, the following Joint Order:

S.P. 51

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 409 to read:

Rule 409. Unfunded Liabilities.

Legislation requires a 2/3 vote of those present in each chamber if the measure creates an unfunded liability for any retirement benefit.

; and be it further

ORDERED, that the Joint Rules be renumbered to read consecutively.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER**: Thank you, Madame President. One of our earlier speakers this morning made reference to medical terminology and so I'll start by using medical terminology as well. Unfunded liabilities are the silent killers that haunt us as we try to deal with the implications of our actions in a financial sense. Usually when you speak to a constituent you begin to talk about unfunded liabilities and actuarial balance and the like, their eyes more quickly glaze over then they normally do. I think those of us in this chamber fully recognize that we have significant unfunded liabilities as it pertains to benefit packages offered to employees, retired employees, teachers, and retired teachers. In its wisdom, the retirement aspects of what we do have been dealt with constitutionally by the people of Maine. So for retirement benefits the stipend you would get once you retire from a defined benefit program is safeguarded and controlled by the constitution. You cannot incur an unfunded liability for the retirement plan and you cannot, by 2029, have that retirement benefit out of balance actuarially. I think with respect to our retirement system, we are in very decent shape and over the next 20 year period, if not sooner, should bring ourselves into balance.

However that same protection is not afforded to retiree health benefits. The last printed document that I saw indicated that the unfunded liability was \$1,200 million. There are words and numbers in the ether indicating that this liability has now grown substantially and probably rests somewhere between \$2 billion and \$3 billion. There currently is no mechanism in place to bring it into actuarial balance. There is no mechanism other than the majority to prohibit that unfunded liability from growing by adding additional benefits. As Exhibit A for you, I would refer you back to the action that the 122nd took with respect to firefighters and rescue workers who were looking for a bridge from their retirement plan, that kicks in along about age 55, to the time when they become eligible for Medicaid. The legislature, by majority vote, provided a benefit to them and increased the unfunded liability by something in the order of \$80 million to \$100 million. This Rule, if we enact it, will still allow us to make that decision but would require a 2/3 vote rather than a majority vote to affect it.

I think it is a responsible thing for us to do and for some of us, and I might include myself in this, the rule allows us to hide behind something that we might have otherwise great resistance to tell a firefighter or a rescue worker that we can't support them on that. Again, I would urge your passage of this particular Rule. Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I did just want to share with you all that shortly the Appropriations Committee will be receiving an actuarial report on our unfunded liabilities. This was required by the Federal government and part of the requirement is that we have a plan in place to address our unfunded liabilities. Some of the good Senator's concerns will be addressed very shortly. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Arostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Just to advise you that the vote on this Rule was 6 - 3 against adoption and it was felt that this should not be done by the Joint Rules.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. Whenever it comes time to discuss bonded indebtedness we go through this. We keep trotting out different Rules. We've had the 90% rules. We've got the 5% rule. It's all based on looking at what we call General Obligation Bonds, bonds that are passed by a 2/3 vote of this legislature followed by a popular vote to approve them. Most of the discussion around the 5% rule, which is a rule that says we shouldn't be spending more than 5% of our General Fund revenues on debt service, we are now including the Government Facilities Authority, which is about \$190 million of debt on top of the roughly \$400 million that we carry on General Obligation bonds. The combined debt service for those two runs us right now about 4% of our General Fund revenues. It's about \$120 million a year. It's not that much. The problem with our balance sheet, the problem with our state finances, is that we owe so much money in unfunded promises through our pension system that the debt service for teachers and state employee retirees, the debt service, the amount that we have to pay as debt for benefits that have been earned but haven't been funded, is something like \$160 million a year, which is \$40 million a year more than what we are spending on regular debt service. Regular debt services are around \$120 million, when I last looked at it. The unfunded liability debt service is about \$160 million. Instead of operating at 4% of the General Fund, we are operating right now at about 10%. If you add in \$26 million a year in liquor revenues, which was essentially borrowed two years ago, if you add in the debt that we owe to Maine hospitals that we are going to be chipping away at substantially in the next two years, and then this extraordinary obligation that we owe for unfunded health benefits that we owe not only to state employees and to teachers but also to certain municipal employees, courtesy of action taken last

April, the debt service that we are burdened with is pretty close to 20% of the General Fund and can easily account for the fact that our taxes are not just. If we got rid of that 20% burden we could reduce our tax burden in this state probably from number 1 or 2, or wherever we are, down to somewhere into the middle of the pack. In other words, it is the failure to pay for the promises that we have made, our predecessors have made, to our retirees over the last 30 years that, all by itself, can account for the extraordinary tax burden that Maine people are so angry about and it has built up over decades. It seems to me highly appropriate that we not enhance or increase the unfunded liabilities that we owe to our retirees without a 2/3 vote of the legislature. It seems to me that is the least that we can do to impose fiscal discipline. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I just wanted to come back to a comment made by the good Senator from Androscoggin, Senator Rotundo. She indicates that the Appropriations Committee will be looking at this in its deliberations. The other organizations that will be looking at it in its deliberations will be the rating agencies because beginning in June of this year states under GASB, the Government Accounting Standards Board, will have to start reporting its unfunded liabilities. I think the position we are in, and frankly many other states as well, will put our credit rating, which is not as good as it could be but is still pretty excellent, under further stress and risk. I would not be surprised to see if we end up with a downgrade if we were to do no additional borrowing at this point in time because our unfunded liability is so large in relationship to our total debt obligation. I do think that adopting this Rule might in fact be a very good first step for us to be taking to ardently address this problem in a forthright way. Thank you, Madame President.

On motion by Senator **ROSEN** of Hancock, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Turner to Pass. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#5)

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SNOWE-MELLO

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the Joint Order **FAILED PASSAGE**.

On motion by Senator **PLOWMAN** of Penobscot, the following Joint Order:

S.P. 52

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 409 to read:

Rule 409. Assignment of revenue.

Legislation requires a 2/3 vote of those present in each chamber if the measure sells or assigns future revenue in exchange for funds to be spent by the present Legislature.

; and be it further

ORDERED, that the Joint Rules be renumbered to read consecutively.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. For the new audience that I am just beginning to realize is with us I will read my order so that people understand what we will be discussing.

Rule 409 regards assignment of revenue. I'm requesting that legislation will require a 2/3 vote of those present in each Chamber if the measure sells or assigns future revenue in exchange for funds to be spent by the present legislature.

This brings us back two years to the proposal by the Administration to sell ten years of the lottery revenues in order to finance keeping the lights on in Augusta for two years and running current programs. Each 2/3 request that you've heard today has been made to address the seriousness and long term nature of the debt that we are incurring. When you add 2/3 it's to make sure that you fit and take in the full consequences of the action. Asking for 2/3 takes on a significant meaning, as you've heard this morning.

Two years ago, when this was proposed, the public outcry was incredible and we did not do the borrowing. That's how seriously this borrowing was taken by the public that we serve. I don't have to point out to you that the decisions we make here are very serious, but by adopting a 2/3 measure it's a recognition and acknowledgement to the public that we hear them and that we acknowledge their concerns and we think very carefully about

what we do. I think the public deserves that. We just went through another tax proposal. The public wants to hear from us in a very meaningful way and 2/3 now means something to them. I would ask you to please vote in support of this Joint Order.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I would point out that the vote of the committee was 6 - 3 against adoption of this Rule and in addition to that I'll point out that it didn't take 2/3 two years ago to kill this proposal. It was done with a simple majority.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. I would also point out that it was done with a people's veto or the attempt of a people's veto. Thank you.

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Plowman to Pass. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#6)

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: ROTUNDO, SNOWE-MELLO

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the Joint Order **FAILED PASSAGE**.

On motion by Senator **MARRACHE** of Kennebec, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** the following:

Bill "An Act To Repeal Term Limits for Legislators"
S.P. 27 L.D. 42

(In Senate, January 9, 2007, on motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

On further motion by same Senator, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Sent down for concurrence.

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 10

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 219 to read:

Rule 219. Legislation that exceeds spending limitations.

Any legislation that exceeds the spending limitations established under the Maine Revised Statutes, Title 5, section 1534 must be proposed in a separate measure that addresses the excess amount solely and that may be enacted only by a 2/3 vote of the elected members of each chamber.

This rule expires December 2, 2008.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. This is the order that I believe we've all been waiting for. It is the recommendation of the Rules Committee, 9 - 0, that this be adopted and a new Joint Rule, which would be Joint Rule 219, dealing specifically with the spending limitations that were suggested last year and now would be a part of the Joint Rules. It is done and adopted in full cooperation with members of both Parties in the hope that this would set a standard for us during this legislative session.

Same Senator requested a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President and members of the Senate. I would concur with the remarks from the Chair of the Rules Committee, the Senator from Aroostook, Senator Martin, and request that you support the order that is before you. As has been indicated, and I think you have absorbed and assumed during the conversation that we had this morning, the nature of this particular proposal, the way it's crafted, is narrow. It is tightly focused and is fairly limited. There are certainly questions as to its practicability. As the Senator from Aroostook, Senator Martin, has stated, it is the one and only proposal that survived the process in the Rules Committee and did, in fact, receive an endorsement from all those that were there present

and voting and it is the hope that it will receive a strong vote from this Chamber as it heads down the hall.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. May I ask a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. Not having had the benefit of attending the Rules Committee meeting, would someone please explain to me what the piece of legislation would look like and what would be contained in the legislation. Would it be all of the policy that was already considered or would policy be left out and only the numerical amount be put forward? Would somebody explain to me what that legislation would be limited to. Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I have no idea what the legislation would look like, but it would be the entire package along with the monetary amounts so that if it exceeded the cap it would require a 2/3 vote of this Body and the other Body as well.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. While this bill clearly says something, it has the word 'two-third' in there and I suspect that is all anybody is looking for, in some cases, in response to some public out cry. This bill really does not solve those problems, what I call loopholes, which the last few motions have dealt with. We've left all of those out. Are we really doing what we are saying we are doing? What have we accomplished here? We can still exceed, we can still divert, revenue by majority vote. We can still create unfunded liabilities by majority vote. We can still pass measures by majority vote that require funds to be expended by future legislatures. All of these are what I would call loopholes to real spending limitations and they have been left in. I'm going to vote for this because it's something. I'm certainly going to recognize that it does not amount to much and I don't think it amounts to what the public asked of us. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President, men and women of the Senate. I beg to respectfully differ. This amounts to a great deal. It amounts to men and women on both sides of the aisle sitting down to find where we can find common ground. There has been a lot of reference today to what the public has demanded. I have not had a single call from anybody in Senate District 24 saying we should change the Joint Rules. I have had lots of calls about reducing the property tax burden, about funding

education better, and considering bold ideas, like what is before us, so that we can put our money where our mouth is. I have had calls about healthcare. My Town Manager was told by a particular organization that promoting rule changes to call me. That's okay. They have the right to weigh in on the rule changes. I believe that I was sent here to make good decisions. I believe all of us were and we've had roll calls on every one of these things. Believe me, we are accountable for all the votes that we take. Two years from now, when we go home, I hope that we can stand up and say we heard them and can say that there were real results. Rule changes can cause divisiveness. They are not about why we were sent here. We have tried to reach a compromise. We've worked very carefully with the leadership from the other side of the aisle and I would hope that this will set the tone for the rest of this session because we need to move on to really important things because at the end of the day it will be what you have done about taxes that is going to make the difference. I hope you will join me in passing this in a bi-partisan effort to say that we are going to get the job done.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President. I'm going to encourage you to support the motion that is before us. It is often said that a journey begins with one small step. I'm not sure whether this is a small step or a large one, but it does focus very clearly on exceeding spending limits. My thought on this is once we pass our budget for FY 08 and FY 09 you could bring forth legislation that has costs associated with it and fund that with an increase in taxes. It would then require a 2/3 vote, if I interpret this rule, because you would be exceeding the spending limits. For those of us, and there are many of us in this Chamber, who were disdainful of the approaches taken with regards to TABOR, this is a way to deal with the spending side and therefore, by acclimation, be dealing with the tax side. I believe this is a good first step and would encourage your support of it. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm very glad the Rules Committee voted for this in a bi-partisan way. I've always supported this proposal. I want to compliment, sincerely, the Speaker and the Senator from Cumberland, Senator Turner, and the Senator from Somerset, Senator Mills, for approaching this coalition of groups before the TABOR vote and initiating discussion about an alternative. I think all three of them need to be complimented for this, for taking the initiative to help defeat TABOR and to propose an alternative. To me, this is a centerpiece of the alternative that was suggested before the vote. I, personally, don't look at this as giving the Minority superpower. I look at this as assuring the public that if we're going to exceed a spending cap it's going to be done in a bi-partisan way. I think that is a very good method. Again, I'm going to be supporting this. I want to compliment those that have initiated this and those on the Rules Committee that have voted for it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. I will just rise briefly to thank the Majority for permitting us to go forward this morning with our proposals that I think has demonstrated the deficiencies in this Rule, which I will vote for. I think that the shortcomings of the Rule needed to be aired on the record and you have given us a full and fair opportunity to do that this morning. For that I thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President and ladies and gentlemen of the Chamber. I am going to vote for this proposal. I just wanted to point out some shortcomings that arose that my 12-year-old figured out. Actually the 8 year old did also. They have an allowance for the week. Part of that allowance goes to pay for school lunch. They have a cap on their allowance. The discussion came up about changing the current allowance and maybe put a little supplemental allowance into it. I didn't agree at the time, but I said that we would leave it open for discussion and if they happened to spend all their emergency money and blew it for the week, that we may be able to come up with some extra. That was a mistake on my part because towards the end of the week somehow the lunch money part of the allowance had disappeared. I was left with the choice of coughing up a little bit of extra supplemental allowance or not allow them to eat. The choice was to give them a little extra. That was clear in this proposal also. To me, it is wide open for abuse if we can not put something in a budget that we all need, might be the roads in my district, and then want me to vote for a supplemental budget that includes that fund. The only comfort that I do have is that my phone number is unlisted and no one is going to be able to call up Will and pick his brain on how to get over these caps as easily as it appears to be in this Rule. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Madame President and men and women of the Senate. Those of us in the Chamber that are old enough to remember the Paris Peace Talks recall a lengthy conversation about the shape of the table. In the meantime there was peace to be had. There is a part of me that feels that perhaps it's the cameras, perhaps it's a whole lot of things, but we've got a lot of work to do. I know I'm adding to the length of the debate by standing here now. Why I rise is that I am also supporting this Rule. I am disappointed and reluctant to support this because I believe so firmly in Majority rule, but to give a nod to the issue and a nod across the aisle, I am willing to support this and for it to be called not enough makes it just a little bitter to swallow. Let me say that I will be joining the Rules Committee on the unanimous report and I hope this bodes well for the incredible work that we have before us after today. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President and men and women of the Senate. I was going to try to stay out of this debate. I figure there are many more astute people than myself that could carry it on. However, I felt that I had to speak up

because I heard a few things this morning in the discussion that has kind of raised some concern. I've heard that this response is perhaps the centerpiece of the response to the TABOR initiative. For this Senator, I'd like to go on the record and say nothing could be further from the truth. In addition, I heard a little discussion about the Rules changes and how Rules changes could perhaps affect the tone of the legislature. That may be some member's intent, but that is not my intent. My intent is to have a good old fashion discussion about it this morning and move on, work together, and do what we have to do to put Maine people's best interests at heart. That's why I'm here and I'll continue to do that. I think we've shown we've done that before. We lost a couple of battles over the last few years on our side of the aisle, but we've come to work every day, we work hard to represent our constituents, and will continue to do that as long as we are here.

Just one other question, and maybe it is rhetorical, but for the members that voted against some of the previous proposals because of Mason's Rules, how do you reconcile voting for this one in light of Mason's Rules? Again, that may be rhetorical, Madame President. I'll sit down. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. I, personally, am standing just to let people know that I believe in a Majority rule. I believe in that type of democracy. However, this was a request from the other side of the aisle. To me this is a symbolic gesture of our good faith and willingness in mind to work in a collaborative way to do business over the next two years. I don't think that my constituents think it's important, this Rule, this change. What is important to my constituents is that we try to work in a bi-partisan way to do the business of Maine people. I think that's what we will carry forward with this message, with this symbol of working together. That is the only reason why I am supporting this change. I, personally, don't like anything that changes Majority rule. I haven't had good experience with it thus far and it is my hope that this tone, this symbol, will set the rest of us on course to working collaboratively when it comes time for the budget and when it comes time for bonding. This is truly important to the people of Maine. That's what's important to my constituents. That's what's important to me. I hope that this will set that course. Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. Every two years we are given a very short window of opportunity to change Rules. This is the window of opportunity. To say that this has become something to do with television, to set a tone early in the session, or to try to start something that usually happens about May of the even numbered year, otherwise known as the election year, is wrong. We have a very short time to make proposals and to say that we are not being polite enough to accept the breadcrumbs that are coming this way is a little bit disingenuous. It is our job to stand on the record and point out that there might be shortcomings. We're not supposed to just say, 'Thank you, may I have another.' We're supposed to ask questions, put it on the record, and have something to back us up if it doesn't work the way it was intended. I'm sorry to have seen this debate change and lose the point of what today was supposed to be all

about. It's supposed to be about taking advantage of the window, making your statement, and then moving on. I hope that is what happens when the doors open and we walk out of here because these are ideas that we debate with civility and we treat each other with professional courtesy. We then walk out and work with the Rules that we end up with. Some of you have never been in the Minority. You don't know how hard it is to walk back in the door the next day. Thank your lucky stars. As the Senator from York, Senator Courtney, said, we do walk back in here and we look over the issues again. I'm very sorry that we are not showing our good manners, all of us, but I hope that this is the end of it. I hope to see that we leave here having put everything that was said earlier aside and starting fresh. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. As someone who has served in the Minority and severed as Minority Floor Leader for four years, I know what the Minority is like. I've served there, been there, and others have been there as well. We saw it as an opportunity to make our point and to then move on. We didn't see it as a battleground on every single issue. We saw it as a way to sharpen the Majority and work in making their plan better, not to destroy it. Let me just say that today is the beginning. Rules can be proposed at any time during this biennium. You just need to be a little bit more persuasive than the Majority. You need to have a 2/3 vote in order to change the Rules. I would point out that this idea of a window to change Rules by a majority vote is a recent one. We never had that opportunity when I was in the Minority. It occurred on the first day and that door closed at 5 o'clock at night the first day of the session. This is a recent change that the legislature has made, which I think is a good one. I want to say about 10 years ago, maybe more. I'd have to go back and research my memory a little better. I could do that if you want me to. I do think that what we've done today is to allow an opportunity to debate the issues that the Minority felt strongly about and we have collectively now adopted three Joint Rules, once we do this one. Hopefully the other Body will do the same. In my recollection, since I have returned, this is the first time that we have adopted this many Rules in this window that I can recall. I think we've come a long way as an institution and in trying to move the people's business forward. I certainly hope that this vote will be unanimous.

On motion by Senator **MARTIN** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Pass. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#7)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: None

ABSENT: Senator: SNOWE-MELLO

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **MARTIN** of Aroostook to **PASS, PREVAILED.**

On motion by Senator **MARTIN** of Aroostook, ordered sent down forthwith for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Resolution

On motion by Senator **MITCHELL** of Kennebec, under unanimous consent on behalf of President EDMONDS of Cumberland, (Cosponsored by Speaker CUMMINGS of Portland and Senators: ROSEN of Hancock, WESTON of Waldo, MITCHELL of Kennebec, MARTIN of Aroostook, Representatives: CROSTHWAITE of Ellsworth, FAIRCLOTH of Bangor, PINGREE of North Haven), the following Joint Resolution:

S.P. 53

JOINT RESOLUTION SUPPORTING MAINE'S LEADERSHIP IN TOBACCO CONTROL

WHEREAS, in 1997 Maine had one of the highest rates of youth smoking in the country; and

WHEREAS, in 1999 the Legislature created the Fund for a Healthy Maine from Maine's share of the national tobacco settlement and began funding a comprehensive tobacco prevention and treatment program; and

WHEREAS, Maine's successful effort follows the United States Department of Health and Human Services, Centers for Disease Control and Prevention guidelines by combining community and school programs, youth access laws, powerful media messages, low-barrier treatment options and evaluation components; and

WHEREAS, Maine has eliminated smoking in virtually every indoor public place and worksite; and

WHEREAS, Maine's last cigarette price increase in 2005 will save \$292,000,000 in health care costs and will help to avoid 6,600 tobacco-related deaths; and

WHEREAS, Maine's youth smoking rate has dropped 60% since 1997, preventing over 14,000 premature deaths and \$400,000,000 in tobacco-related health care costs; and

WHEREAS, for the second year in a row, Maine has received 4 "A's" on the American Lung Association State of Tobacco Control Report Card and is recognized nationally for its leadership and integrated approach to tobacco control; and

WHEREAS, in 2006 the United States Surgeon General declared that the scientific evidence that secondhand smoke is a serious health hazard that can lead to disease and premature death is indisputable; and

WHEREAS, one in 3 young adults in Maine currently smokes; and

WHEREAS, tobacco companies now spend \$74,000,000 per year promoting their products in Maine, more than double the amount they spent in 1998; and

WHEREAS, smoking-related health care costs now total over \$600,000,000 in Maine; and

WHEREAS, almost 2,400 Maine citizens die every year from tobacco-related disease, including 200 as a result of secondhand smoke; and

WHEREAS, for every 3 children who start smoking, one will die early as a result; now, therefore be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the First Regular Session, on behalf of the people of the State of Maine, support Maine's nation-leading efforts to reduce tobacco use among children and adults by restricting youth access to tobacco products, limiting exposure to secondhand smoke, funding a comprehensive prevention and control program that follows federal guidelines and discouraging demand; and be it further

RESOLVED: That We express our gratitude and thanks to the American Lung Association and the American Lung Association of Maine for working with concerned citizens,

voluntary health organizations, medical associations, health care providers, advocates, governmental agencies and lawmakers to help Maine take national leadership on this important issue of public health in order to save lives and move towards a healthier future; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the American Lung Association and the American Lung Association of Maine.

READ and ADOPTED.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Regarding the Slaughter of Animals"
H.P. 55 L.D. 57

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Ensure State Budget Funding for Wastewater Treatment Facilities and Water Supply Facilities"
H.P. 56 L.D. 58

Bill "An Act To Restore Continuing Funding for the Maine Institute for Public Safety Innovation"
H.P. 57 L.D. 59

Bill "An Act To Increase Access to After-school Programs"
H.P. 61 L.D. 63

Bill "An Act To Recapitalize the Maine Downtown Center"
H.P. 62 L.D. 64

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Funding for Mentoring Programs"
H.P. 63 L.D. 65

Bill "An Act To Appropriate Funds from the General Fund to the Maine Correctional Center"
H.P. 85 L.D. 93

Bill "An Act To Provide Funding for the Drinking Water Program" (EMERGENCY)
H.P. 110 L.D. 118

Bill "An Act To Increase Funding for Private Nonmedical Institutions"
H.P. 111 L.D. 119

Bill "An Act To Provide Transitional Support for the Downeast Heritage Museum in Calais"
H.P. 112 L.D. 120

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Prohibit Hunting at Range Ponds State Park"
H.P. 109 L.D. 117

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Place Lifetime Restraining Orders on Violent Sex Offenders and Predatory Sex Offenders"

H.P. 43 L.D. 45

Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

H.P. 44 L.D. 46

Bill "An Act To Prohibit the Promotion of Travel for Sex Tourism"

H.P. 45 L.D. 47

Bill "An Act To Ban Salvia Divinorum"

H.P. 64 L.D. 66

Bill "An Act To Reduce the Cost of the Operation of County Jails"

H.P. 65 L.D. 67

Bill "An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer"

H.P. 66 L.D. 68

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Impose Zero Tolerance for Methamphetamine Production"

H.P. 67 L.D. 69

Bill "An Act To Require Cigarettes Sold in Maine To Be Fire-safe"

H.P. 68 L.D. 70

Bill "An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases"

H.P. 69 L.D. 71

Bill "An Act To Require a Test for Operating under the Influence for a Driver Involved in an Accident That Caused Bodily Injury"
H.P. 88 L.D. 96

Bill "An Act To Amend the Authority of a Motor Vehicle Investigator"

H.P. 114 L.D. 122

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish a Labor Center within the University of Maine System"

H.P. 115 L.D. 123

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Exempt Training and Educational Research Costs from the Voluntary Spending Cap"

H.P. 46 L.D. 48

Resolve, Regarding Costly Computer Processes at the Department of Health and Human Services

H.P. 48 L.D. 50

Bill "An Act To Improve MaineCare Members' Access to Information"

H.P. 70 L.D. 72

Bill "An Act Regarding Prescription Drug Expiration Dates"
H.P. 89 L.D. 97

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Establish a Lifetime Tribal License"
H.P. 49 L.D. 51

Bill "An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide"
H.P. 90 L.D. 98

Bill "An Act To Allow an All-terrain Vehicle To Operate on Snow without Being Registered as a Snowmobile"
H.P. 91 L.D. 99

Bill "An Act To Adjust Fees for Certain Resident and Nonresident Licenses, Registrations and Permits Issued by the Department of Inland Fisheries and Wildlife"
H.P. 108 L.D. 116

Resolve, To Increase Public Access to Glazier Lake
H.P. 118 L.D. 126

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Prohibit Retail Store-operated Banks"
H.P. 92 L.D. 100

Bill "An Act To Enhance Screening for Breast Cancer"
H.P. 93 L.D. 101

Come from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Place Land in Centerville in Trust"
H.P. 71 L.D. 73

Bill "An Act To Exempt Certain Parents and Caretakers from Jury Duty"
H.P. 72 L.D. 74

Bill "An Act To Amend the Laws Governing Mechanics Liens"
H.P. 94 L.D. 102

Bill "An Act To Give Children Equal Priority in Creditor Situations Consistent with Bankruptcy"
H.P. 95 L.D. 103

Bill "An Act To Recognize the Metis Eastern Tribal Indian Society of Maine"
H.P. 107 L.D. 115

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **HOBBINS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Protect Minors from Certain Bill Collectors"
H.P. 96 L.D. 104

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **HOBBINS** of York, **TABLED** 1 Legislative Day, pending **REFERENCE**.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Prohibit Credit Checks for Purposes of Employment"
H.P. 73 L.D. 75

Bill "An Act To Promote Hiring of Seasonal Workers"
H.P. 97 L.D. 105

Resolve, To Expedite a Workers' Compensation Case
H.P. 117 L.D. 125

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

Bill "An Act To Allow the Recovery of Reasonable Attorney's Fees"

H.P. 116 L.D. 124

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Recognize Gold Star Parents and Family Members"

H.P. 60 L.D. 62

Bill "An Act To Eliminate the Fee To Operate High-stakes Beano"

H.P. 74 L.D. 76

Bill "An Act To Prohibit a Maine Clean Election Act Candidate from Participating in Political Action Committee Funding"

H.P. 98 L.D. 106

Bill "An Act To Amend the Laws Pertaining to Beano"

H.P. 119 L.D. 127

Come from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion by Senator **MARRACHE** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide for the Safety of Elver Fishermen Using Dip Nets"

H.P. 75 L.D. 77

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Review the Department of Environmental Protection's Procedures in Issuing Written Approval for New Building Projects"

H.P. 50 L.D. 52

Bill "An Act To Protect Neighborhoods from Scrap Metal Pollution" (EMERGENCY)

H.P. 76 L.D. 78

Resolve, To Address State Leadership in Climate Engineering

H.P. 99 L.D. 107

Bill "An Act To Exempt Certain Vehicles from the California Low-emission Vehicle Standards"

H.P. 100 L.D. 108

Bill "An Act To Require a Model Radon Standard for New Residential Construction"

H.P. 101 L.D. 109

Resolve, Directing the Board of Environmental Protection To Adopt Rules To Improve the Emissions and Efficiency of Outdoor Wood Boilers

H.P. 120 L.D. 128

Come from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require an Independent Audit of State Government Every 4 Years"

H.P. 102 L.D. 110

Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)

H.P. 103 L.D. 111

Bill "An Act To Provide for the Nonpartisan Election of County Commissioners"

H.P. 121 L.D. 129

Bill "An Act To Allow County Commissioners To Appoint Registers of Deeds"

H.P. 122 L.D. 130

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide a Tax Credit for College Education Costs When the Person Creates Jobs following Graduation"

H.P. 51 L.D. 53

Bill "An Act To Conform Maine Law with Federal Law Regarding Tax Credits for Adoptions"

H.P. 52 L.D. 54

Bill "An Act To Repeal the Excise Tax on New Motor Vehicles"

H.P. 77 L.D. 79

Bill "An Act To Make Changes to the Maine Residents Property Tax Program"

H.P. 78 L.D. 80

Bill "An Act To Update the Property Tax Exemption for Parsonages"

H.P. 79 L.D. 81

Resolve, To Create a Study Commission To Evaluate the County Tax Structure

H.P. 80 L.D. 82

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Equity for the Penobscot Nation in the Return of Tax Revenue"

H.P. 81 L.D. 83

Bill "An Act To Provide Tax Relief to Working Families"

H.P. 123 L.D. 131

Bill "An Act To Reform the Maine Tax Code"

H.P. 124 L.D. 132

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Law Regarding a License To Operate an Attended Sales Promotion"

H.P. 53 L.D. 55

Bill "An Act To Allow Farm Trucks That Weigh over 9,000 Pounds To Be Eligible for Specialty License Plates"

H.P. 54 L.D. 56

Bill "An Act To Standardize Documentation Requirements for a Driver's License or Nondriver Identification Card"

H.P. 82 L.D. 84

Resolve, To Designate a Portion of U.S. Route 1 in Indian Township Passamaquoddy Indian Reservation as the Captain Tomah Lewey Memorial Highway

H.P. 83 L.D. 85

Bill "An Act To Create a One-time Fee for Veterans Vanity Registration Plates"

H.P. 104 L.D. 112

Bill "An Act To Establish a Recreational Vehicle Veterans Registration Plate"

H.P. 105 L.D. 113

Bill "An Act To Prohibit the Use of a Handheld Cellular Telephone while Operating a Motor Vehicle"

H.P. 106 L.D. 114

Bill "An Act To Require Seat Belts on All School Buses"

H.P. 125 L.D. 133

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services, Office of
MaineCare Services**

The **Department of Health and Human Services, Office of MaineCare Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services (EMERGENCY)

H.P. 38 L.D. 37

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

**Pursuant to Statute
Partnership for a Tobacco-free Maine**

The **Partnership for a Tobacco-free Maine**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 250: Rules Relating to Smoking in the Workplace, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Partnership for a Tobacco-free Maine (EMERGENCY)

H.P. 39 L.D. 38

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 40 L.D. 39

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

**Pursuant to Statute
Maine Health Data Organization**

The **Maine Health Data Organization**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 41 L.D. 40

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Require Changes in the Essential Programs and Services Funding Formula Concerning Labor Market Areas"
H.P. 42 L.D. 44

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act"

H.P. 86 L.D. 94

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **HOBBINS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Strengthen the Home Construction Contract Laws"
H.P. 113 L.D. 121

Comes from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Add Abortion Providers to the List of Mandated Reporters to the Department of Health and Human Services"
H.P. 59 L.D. 61

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

Senator **BRANNIGAN** of Cumberland moved to **REFER** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Subsequently the same Senator requested and received leave of the Senate to withdraw his motion to **REFER** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

On motion by Senator **HOBBINS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Off Record Remarks

Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **BROMLEY** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

Senator **ROTUNDO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **PERRY** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

Senator **MITCHELL** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **STRIMLING** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by the President.

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **BOWMAN** of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 16, 2007, at 10:00 in the morning.

Off Record Remarks

Senator **HOBBS** of York was granted unanimous consent to address the Senate off the Record.

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.